

## COALITION TO PROTECT MICHIGAN RESOURCES

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### Chair Hughes and the Tourism and Outdoor Recreation Committee Senate Bill 1145

The Coalition to Protect Michigan Resources has "amici curiae" status in the Tribal/US Government vs State of Michigan Great Lakes Tribal fishing rights case. This case was decided by Judge Noel Fox in 1979 when he gave the Tribes the right to fish for any specie of fish, of any size, in any number, in any season and using any type of gear.

In 1984 the Tribes asked Judge Enslen to allocate the fishery, he refused and said he wanted a negotiated settlement. A 15 year agreement "1985 Consent Agreement" was reached and at its expiration a 20 year agreement was reached "2000 Consent Decree."

I personally have been involved in Tribal issues since 1998 and took part in the negotiation process that started in 1998 and lead to the 2000 Consent Decree. I have also served as a Citizen Advisor to the 2000 Consent Decree Law Enforcement Committee for 7 years.

If lake trout are deemed a commercial fish state licensed non tribal commercial fishers will not realize expanded opportunities. If there is a market for lake trout the Tribes will market their first right to exploit lake trout stocks at whatever level they think they can sell.

The Tribes will simply demand these stocks in the upcoming negotiations or rather than negotiate they will declare their right under the Fox ruling and their management plan will allow them to take all available stocks.

It will eliminate catch quotas on lake trout by-catch caught in whitefish gill nets. State and Federal rehabilitation have successfully fought off that effort. Making lake trout a commercial fish changes management protocol and takes away Tribal incentive to use trap nets in lieu of gill nets. Gill nets can destroy a fishery simply because they kill every fish that gets entangled in them.

The Tribes have always wanted lake trout to be designated a commercial fish. Remember the Fox ruling gives the Tribes everything and the Tribes were the ones that asked for stock allocation, and that agreement expires in 2020.

This bill could not have come up at a worse time. The State of Michigan and the "amici" are hoping to begin negotiations early next year for a new allocation agreement and this bill could ruin any hopes of a good agreement. Another outcome could be the Tribes deciding not to negotiate, creating their own management plan and exercising it and putting our sport fishery at risk. This bill benefits no one but the Tribes.